

Application No. 10/743,241
Amendment dated: February 8, 2005
Reply to Office Action of November 8, 2004

RD-28640-5

REMARKS/ARGUMENTS

In the Office Action dated November 8, 2004 the Examiner rejected claims 22, 23, 36, and 37. In this amendment, the Applicants request that claim 22 be amended, and new claims 38 – 56 be added as indicated above. No new matter has been added. Claims 22, 23, 36, 37, and newly added claims 38 – 56 are pending in the present application.

Double Patenting Rejection

The Examiner gave a provisional double patenting rejection of claims 22, 23, 36, and 37 under 35 U.S.C. 101 as claiming the same invention as that of claims 22, 23, 36, and 37 of copending Application No. 10/000,913. Further, the Examiner stated that although these claims were withdrawn from consideration, they were not canceled. The present application is a divisional application of original application 28640-1 (Serial No. 10/000,913). Applicants submit that claims 22, 23, 36 and 37 will be canceled in due course from the application of Serial No. 10/000,913. Therefore, Applicants respectfully submit the claims 22, 23, 36, and 37 for consideration in the present application.

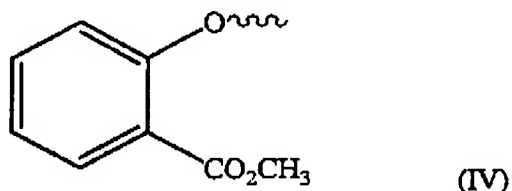
35 U.S.C. § 102(a) and 102(e) Rejections

(1). The Examiner has rejected claims 22, 23, 36, and 37 under 35 USC § 102 (e) as anticipated by McCloskey et al. (U.S. 6,518,391). In response, the Applicants have amended claim 22 to recite species B as a polyester comprising reactive terminal hydroxy groups, thereby providing a distinction over the McCloskey reference. Support for this definition of species B can be found in paragraph 50 of the Specification. Amended claim 22 is now directed to a molded article comprising a product block copolyestercarbonate, said block copolyestercarbonate being prepared by a method comprising contacting a partially crystalline polycarbonate starting material (A) comprising activated terminal aryloxy groups with at least one polymeric species starting material (B), which is a polyester comprising reactive terminal hydroxy groups under solid state polymerization conditions. McCloskey et al. disclose the solid state polymerization of a partially crystalline polycarbonate starting material (A) comprising activated terminal aryloxy groups. McCloskey does not disclose the preparation of block

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copolyestercarbonates via solid state polymerization. The instant claims are directed to molded articles comprising block copolyestercarbonates prepared as described above. The Applicants note that claim 36 recites an article comprising a product block copolyestercarbonate prepared from a partially crystalline bisphenol A polycarbonate comprising terminal 2-methoxycarbonyl phenoxy end groups of formula IV



and at least one polyester comprising reactive hydroxyl groups under solid state polymerization conditions. Support for this claim can be found in part in paragraphs 44-46 of the Specification. However, McCloskey does not describe the preparation of block copolyestercarbonates by solid state polymerization. Each of the claims of the instant invention is drawn to articles comprising these block copolyestercarbonates. Thus McCloskey et al do not teach each and every element of the instant invention. In view of the foregoing, the Applicants respectfully request that the rejection under 35 USC § 102 (e) as being anticipated by McCloskey et al. of claims 22, 23, 36, and 37 be withdrawn.

(2). The Examiner has rejected claims 22, 23, 36, and 37 under 35 USC § 102 (a) or 102(e) as being anticipated by Chatterjee et al (U.S. 6,143,859). In response, the Applicants have amended claims 22 and 36 as described above. Chatterjee et al. disclose the preparation of polycarbonates and copolycarbonates by solid-state polymerization, but do not disclose component (B), which is a polyester comprising reactive terminal hydroxy groups. Further, the Chatterjee reference does not disclose partially crystalline polycarbonate starting material (A) comprising activated terminal aryloxy groups of the present invention. Therefore Applicants respectfully request that the rejection of claims 22, 23, 36, and 37 under 35 USC § 102 (e) or 102(a) as being anticipated by Chatterjee et al. be withdrawn.

35 U.S.C. § 103(a) Rejections

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The Examiner has rejected claims 22, 23, 36, and 37 as being obvious over McCloskey et al (U.S. 6,518,391) or Chatterjee et al (U.S. 6,143,859). The applicants traverse. The McCloskey reference and the Chatterjee reference, neither individually, nor together, disclose or suggest a block copolyestercarbonate prepared by solid state polymerization of a partially crystalline polycarbonate starting material (A) comprising activated terminal aryloxy groups with component (B), which is a polyester comprising reactive terminal hydroxy groups. In view of these comments, the applicants respectfully request that the rejection of claims 22, 23, 36, and 37 under 35 U.S.C. 103(a) be withdrawn.

Newly Added Claims 38 - 56

These claims are supported appropriately by the Specification. Thus for example, claims 38 and 39 are supported by paragraphs 37 and 42, respectively; and claims 42 and 43 have support in paragraphs 46 and 49, respectively; of the specification.

In light of the foregoing, reconsideration and prompt allowance of claims 22, 23, 36, and 37, as well as the newly added claims 38 – 56 is courteously requested. If any further information is required, the Examiner is respectfully requested to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,


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February 8, 2005
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